

REMARKS

Applicant appreciates the thorough review of the present application as reflected in the Official Action mailed August 9, 2004. Applicants also appreciate the indication of allowable subject matter in Claims 2-3, 5-7, 9, 18-19, 21-23, 25, 34-35, 37-39 and 41. Applicants have written Claims 2, 3, 18, 19, 34 and 35 in independent form. Applicants have written Claims 5, 21 and 37 in independent form but have not included the recitations of intervening claims 4, 20 and 36. Applicants have also amended dependent claims to correct dependencies (Claims 7 and 22). Finally, Applicants have amended independent Claims 1, 17 and 33 to clarify that multiple ports are associated with the single IP address. Applicants submit that, for the reasons discussed below, the present application is in condition for allowance.

The Information Disclosure Statements

Applicants wish to bring to the Examiner's attention an Information Disclosure Statement (IDS) that was filed in the present application on July 29, 2004 and an IDS that is being filed concurrently herewith. Applicants request that the Examiner return initialed copies of the PTO 1449 forms indicating that the identified materials have been considered with any subsequent action in this case.

The Restriction

In response to the Restriction Requirement, Applicants hereby confirm the election of Invention I, corresponding to Claims 1-9, 17-25 and 33-41. Applicants have canceled Claims 10-16, 26-32 and 42-48 corresponding to Invention II. This cancellation is being made without prejudice to the filing of any divisional application for these and/or other claims. This election is without traverse because Applicants agree that a determination of the unpatentability of Invention I would not necessarily imply the unpatentability of Invention II.

In the Drawings

The attached sheets of drawings include changes to Figures 1, 2 and 3 as suggested by the Examiner. The sheet that includes Figure 1 replaces the original sheet including Figure 1. The sheet that includes Figure 2 replaces the original sheet including Figure 2. The sheet that includes Figure 3 replaces the original sheet including Figure 3.

Attachment: Annotated Sheets 1, 2 and 3 and Replacement Sheets 1, 2 and 3.

The Objection to the Drawings

Applicants have amended the drawings as suggested by the Examiner.

The Copending Applications

Applicants have amended the specification to include publication information and the issued patent number of the applications incorporated by reference.

The Claim Objections

Applicants have amended Claim 7 to depend from Claim 6.

The Anticipation Rejection

Claims 1, 4, 8, 17, 20, 24, 33, 36 and 40 stand rejected as anticipated by United States Publication No. 2002.0143954 to Aiken *et al.* (hereinafter "Aiken"). In particular, the Official Action cites to Aiken, ¶¶ 53-55 as disclosing the notification recitations of independent Claims 1, 17 and 33 and ¶ 38 as disclosing the selection recitations of Claims 1, 17 and 33.

Applicants have amended Claims 1, 17 and 33 to clarify that multiple ports are associated with the single IP address. Thus, Claim 1 recites, in part:

notifying a distributing data processing system if an application opens a listening socket **utilizing any port of multiple ports associated with the single IP address;**

* * *

receiving a request to establish a connection to the single IP address and **a port of the multiple ports associated with the single IP address** at the distributing data processing system;

selecting a data processing system from the potential target data processing systems if the port associated with the request is **a port of the multiple ports associated with the single IP address** associated with a potential data processing system; and

Corresponding recitations are found in Claims 17 and 33.

In contrast to the multiple ports that are associated with the single IP address as recited in Claims 17 and 33, the cited portions of Aiken relate to a DVIPA where a single port is associated with the DVIPA. Thus, for example, Aiken states:

In particular embodiments of the present invention systems, methods, and/or computer program products are provided which allow for a single IP address being associated with a plurality of communication protocol stacks in a cluster of data processing systems by providing a routing protocol stack which **associates a Virtual IP Address (VIPA) and port with other communication protocol stacks in the cluster and routes communications to the VIPA and port to the appropriate communication protocol stack**. VIPAs capable of being shared by a number of communication protocol stacks are referred to herein as "dynamic routable VIPAs" (DVIPA).

Aiken, ¶ 45, emphasis added. Thus, Applicants submit that as described in Aiken the VIPA is associated with a port, not multiple ports. Thus, identifying potential targets to a distributing processor in Aiken identifies targets using the VIPA but that all the targets are using the same port associated with the VIPA. Accordingly, Aiken's notification of applications listening on the DVIPA described in ¶ 53 is a notification of applications listening on the DVIPA with the single port associated with the DVIPA. Thus, Applicants submit that Aiken does not disclose or suggest the recitations of Claim 1, 17 and 33 regarding multiple ports associated with a single IP address.

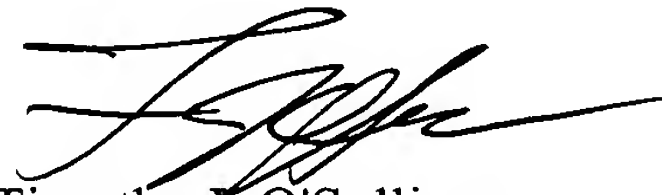
In light of the above discussion, Applicants submit that Claims 1, 17 and 33 and the claims that depend from them are not anticipated by Aiken.

CONCLUSION

In light of the above discussion, Applicant submits that the present application is in condition for allowance, which action is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

It is not believed that an extension of time and/or additional fee(s)-including fees for net addition of claims-are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned for under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to Deposit Account No. 09-0461.

Respectfully submitted,



Timothy J. O'Sullivan
Registration No. 35,632

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792



FIG. 1
PRIOR ART

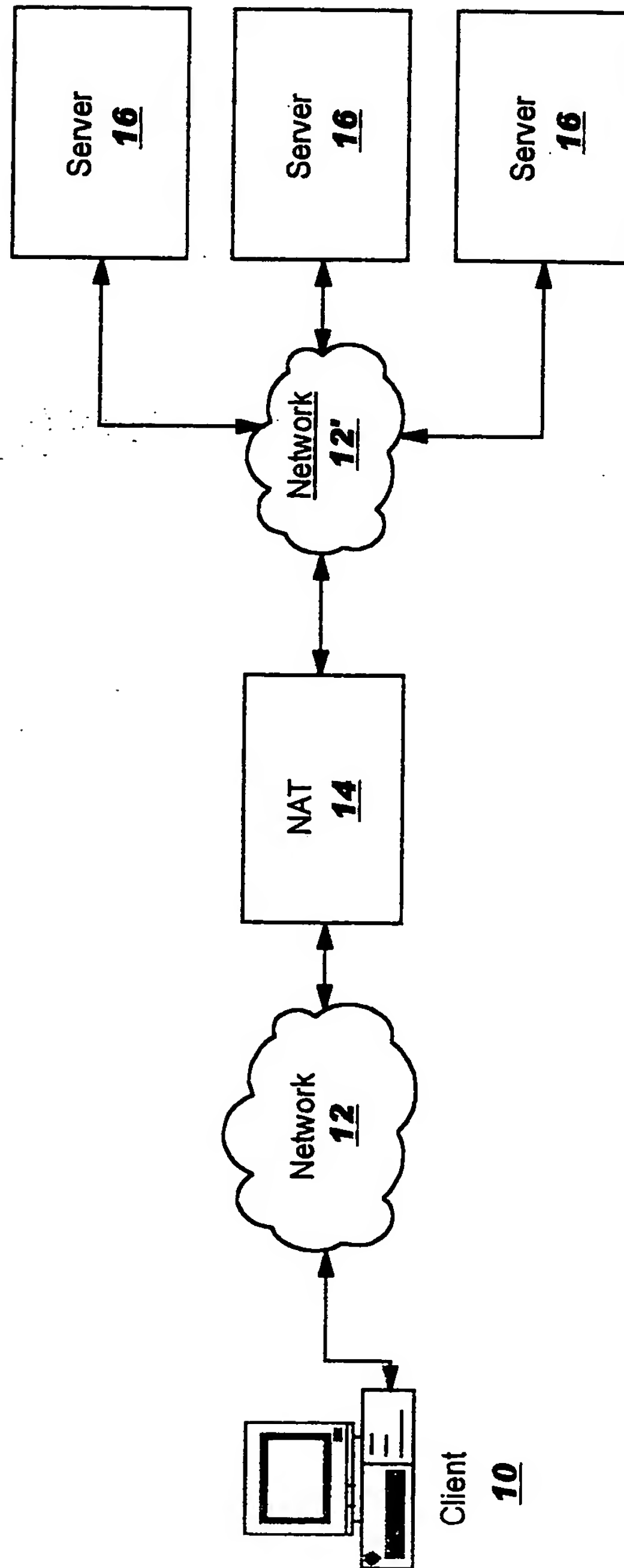




FIG. 2
PRIOR ART

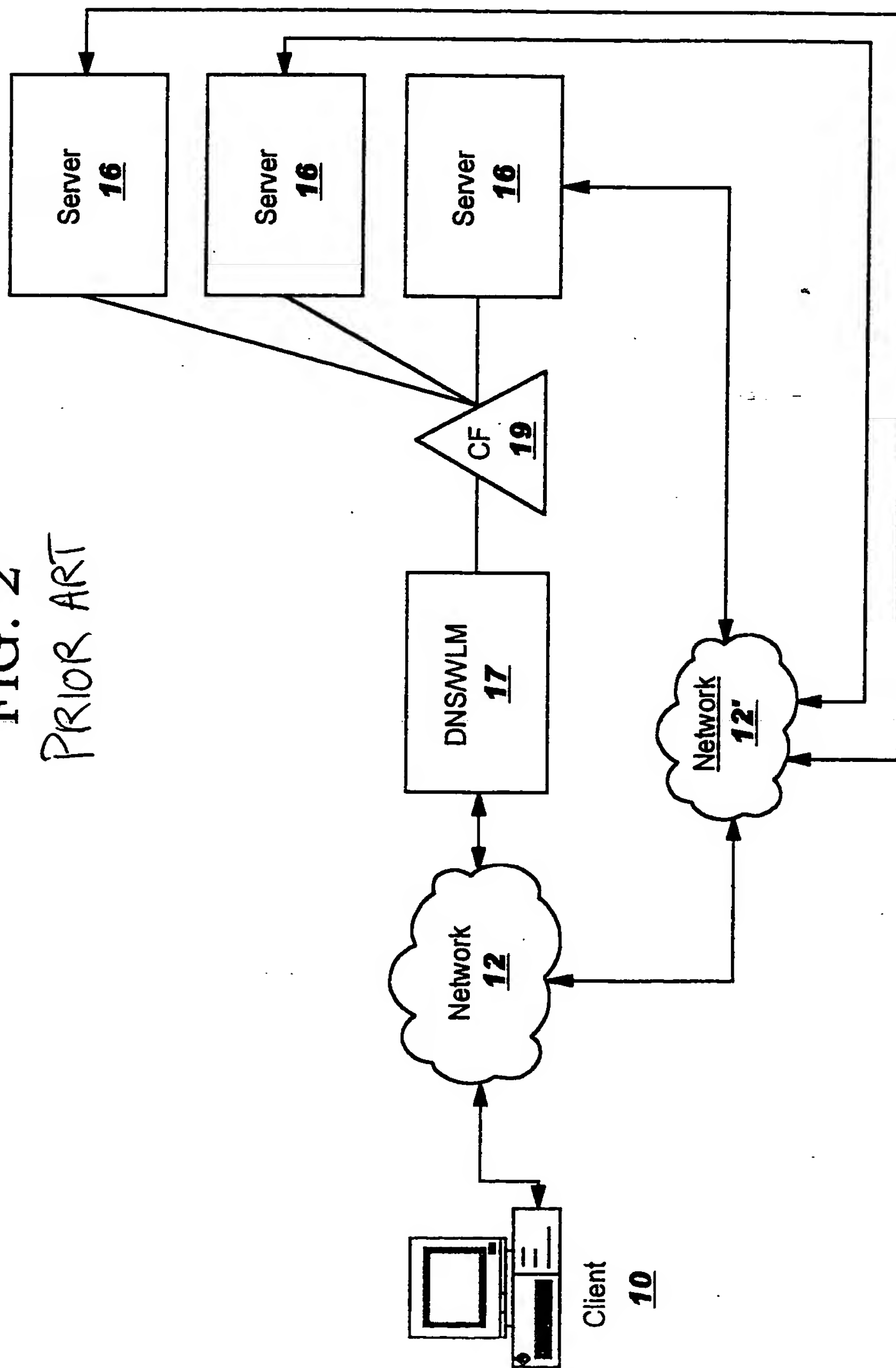




FIG. 3
PRIOR ART

